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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

SAMEEH HAMMOUDEH

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Case No. 8:03-cr-77-T-30TBM

UNITED STATES' RESPONSE IN OPPOSITION
TO DEFENDANT HAMMOUDEH'S
MOTION FOR GRAND JURY TRANSCRIPTS

The United States hereby moves this Court to deny defendant Hammoudeh's Motion for Grand Jury transcripts and in support thereof states the following:

In this motion, the defendant is attempting to gain access to grand jury transcripts by advancing essentially the same arguments (virtually verbatim) defendants Fariz and Ballut have previously made. Accordingly, the United States hereby readopts the arguments made in response by the United States To Motion For Grand Jury Transcripts By Defendant Hatim Naji Fariz And Defendant Ghassan Zayed Ballut. Doc. 307.

Additionally, this motion is based on the faulty assertion at Paragraph 3, that the "government has admitted that certain overt acts in which Mr. Hammoudeh allegedly spoke to Mr. Awda are factually inaccurate as alleged in the Indictment." The United States has never made such a concession because that would be inaccurate. The United States notified United States Magistrate Judge Pizzo on April 7, 2003, of the receipt of exculpatory information which suggested that the speaker in the conversation listed as Overt Act 253 in the indictment was not Awda but another Palestinian Islamic Jihad (PIJ) member. See Doc. 71. (Again, this assertion by Hammoudeh is nothing

more than a verbatim recitation of Paragraph 3 of defendant Hatim Naji Fariz' Motion for Grand Jury Transcripts (Doc. 254), except that Hammoudeh's name was substituted for Fariz.)

The United States then told United States Magistrate Judge Pizzo that based upon the information concerning the identity of the speaker in Overt Act 253, the United States believed that references to Awda in Overt Acts 236, 240, and 247 were suspect. Mr. Hammoudeh was not a participant in any of these calls.

Accordingly, Hammoudeh's fundamental assertion which serves as the factual predicate for his motion to inspect the grand jury transcripts, that the "government has admitted that certain overt acts in which Mr. Hammoudeh allegedly spoke to Mr. Awda are factually inaccurate as alleged in the Indictment," is wrong.

Wherefore, defendant Hammoudeh's Motion for Grand Jury Transcripts should be denied.

Respectfully submitted,

PAUL I. PEREZ
United States Attorney

By:


WALTER E. FURR
Assistant United States Attorney
Criminal Division
Florida Bar Number 288470
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
Telephone: (813) 274-6324
Facsimile: (813) 274-6108

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by facsimile and U.S. mail this 16th day of October, 2003, to the following:

Mr. Sami Amin Al-Arian
Register No. 40939018
Federal Correctional Institute
846 NE 54th Terrace
Coleman, Florida 33521-1029
Pro Se

Stephen N. Bernstein, Esq.
Post Office Box 1642
Gainesville, Florida 32602
Counsel for Sameeh Hammoudeh

Bruce G. Howie, Esquire
5720 Central Avenue
St. Petersburg, Florida 33707
Counsel for Ghassan Zayed Ballut

Allison Guagliardo, Esquire
Federal Public Defender's Office
400 North Tampa Street
Suite 2700
Tampa, Florida 33602
Counsel for Hatim Naji Fariz



WALTER E. FURR
Assistant United States Attorney